Docket No.: 249692001700

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Alain H. CURAUDEAU et al.

Application No.: 10/588,419

Filed: February 8, 2005 (Int'l)

For: PHOTODYNAMIC THERAPY FOR THE TREATMENT OF HYPERACTIVE

SEBACEOUS GLAND DISORDERS USING TOPICALLY APPLIED HYDROPHOBIC

GREEN PORPHYRINS

Confirmation No.: 8347

Art Unit: 1614

Examiner: G. Kadambi

## RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is in response to an election of species requirement mailed 17 September 2008, time for response to which was set to expire 17 October 2008.

Claims 1-19 are pending. With respect to the species election, applicants elect lemuteportin for the purposes of prosecution. Claims 1-19 read on the elected species.

Applicants' election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to not more than

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a reasonable number of species in addition to the elected species, provided that all claims to each

additional species are written in dependent form or otherwise include all the limitations of an

allowed generic claim.

Reservation of Rights

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application

directed to the non-elected subject matter during the pendency of this application, or an application

claiming priority from this application.

In the unlikely event that the transmittal letter is separated from this document and the Patent

Office determines that an extension and/or other relief is required, applicants petition for any

required relief including extensions of time and authorize the Commissioner to charge the cost of

such petitions and/or other fees due in connection with the filing of this document to **Deposit** 

By:

Account No. 03-1952 referencing docket No. 249692001700.

Respectfully submitted,

Dated: October 17, 2008

/ Kate H. Murashige /

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